

## REMARKS

Claims 1 to 25 were pending when last examined. Applicant has amended claims 1 to 21, 23, and 24, and canceled claims 22 and 25. Claims 1 to 21, 23, and 24 remain pending.

### § 101 Rejections

The Examiner rejected claims 1 to 25 under 35 U.S.C. §101 as being unpatentable subject matter. Applicant has amended claims 1 to 21, 23, and 24 to Beauregard claims, which are considered statutory by the patent office as a product claim. See MPEP §2105.01, I. Applicant has canceled claims 22 and 25, thereby rendering their rejections moot.

### § 102 Rejections

The Examiner rejected claims 1, 6, 9, 10, 13, and 18 under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. App. Pub. No. 2005/0047656 ("Luo"). Addressing claim 1, the Examiner stated:

Regarding claim 1, Lou teaches a method for removing a red eye from an image, comprising:

calculating a weighted red value for each pixel in the image, wherein the weight red value for a pixel is based on (1) red, green, and blue color values of the pixel and (2) a luminance of the pixel in the image (¶0079-0081; Lou teaches that the red eye pixel areas are filtered based on conventional grayscale mapping G, specifically  $G1 - 0.299r + 0.587g + 0.114b$ );

....

April 28, 2009 Action, p. 3 (emphasis added). Applicant respectfully traverses.

Lou discloses a method for a redeye detection module 14 to detect red eye pixel areas. Lou, ¶58; Fig. 4. In step 62, module 14 computes pixel redness measures for the pixels in a thumbnail image 44 to create a redness map 60. Id., ¶¶61 to 64. In step 66, module 14 identifies candidate redeye pixels in map 60 and segments them into candidate redeye pixel areas to form a candidate redeye pixel area map 64. Id., ¶¶65 to 72. In step 68, module 14 verifies the candidate redeye areas in map 64 by, inter alia, creating a grayscale map 70 from map 64, determining a grayscale contrast of a candidate redeye area against its surrounding area, and removing candidate redeye areas having grayscale contrasts that are less than a threshold from map 64. Id., ¶¶74 to 84. Grayscale map 70

may be generated, inter alia, by converting r, g, b values of the pixels to grayscale values using Equation 12, which states  $G1 = 0.299r + 0.587g + 0.114b$ . Id., ¶¶79 and 80.

As described above, Lou does not disclose “calculating a weighted red value for each pixel in the image, wherein the weight red value for a pixel is based on (1) red, green, and blue color values of the pixel and (2) a luminance of the pixel” as recited in claim 1 (emphasis added). Lou discloses calculating a redness measure for each pixel. However, equations 1 to 5 for the redness measure do not include the luminance (or grayscale value) of the pixel. See Lou, ¶¶61 to 64. The redness measures only include color and weight values but not luminance (or gray scale value).

Lou also discloses creating a grayscale map 70 from candidate redeye pixel area map 64. However, as discussed above, the grayscale values of the pixels are not included in the calculation of the redness measures of the pixels. The grayscale values are used to determine a grayscale contrast between a candidate redeye area and its surrounding area in map 70. Even the Examiner admits that “Lou teaches that the red eye pixel areas are filtered based on conventional grayscale mapping G,” which is different from disclosing that the redness measure of a pixel is calculated from a grayscale value of the pixel.

For the above reasons, claim 1 is patentable over Lou.

Claims 6, 9, 10, 13, and 18 depend from claim 1 and are patentable over the cited references for at least the same reasons as claim 1.

#### Allowable Subject Matter

The Examiner indicated that claims 23 to 25 would be allowable if rewritten to over the rejections under 35 U.S.C. §101. Applicant has amended claims 23 and 24 to overcome the rejections under §101, and canceled claim 25. Accordingly, claims 23 and 24 are in condition for allowance.

The Examiner indicated that claims 2 to 5, 7, 8, 11, 12, 14 to 17, and 19 to 21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicant has not amended claims 2 to 5, 7, 8, 11, 12, 14 to 17, and 19 to 21 because Applicant believes their independent claim to be patentable over the cited reference.

### Summary

In summary, claims 1 to 25 were pending in the above-identified application when last examined. has amended claims 1 to 21, 23, and 24, and canceled claims 22 and 25. For the above reasons, Applicant respectfully requests the Examiner to withdraw the claim objections and rejections and allow claims 1 to 21, 23, and 24. Should the Examiner have any questions, please call the undersigned at (408) 382-0480.

I hereby certify that this correspondence is being mailed transmitted prior to expiration of the set period of time by being transmitted via the Office electronic filing system in accordance with § 1.6(a) (4).

/David C Hsia/  
Signature

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Date

Respectfully submitted,

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